

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)

v.)

KEVIN WAYNE NEWSON)

No. 3:12-00071
JUDGE SHARP

MOTION TO SUPPRESS EVIDENCE AND STATEMENTS

Defendant Kevin Wayne Newson moves to suppress evidence and statements obtained in violation of the Fourth, Fifth, and Fourteenth Amendments. Mr. Newson respectfully requests that this Court hold a suppression hearing to fully develop the factual predicate for this motion.

I. BACKGROUND

On May 5, 2011, officers of the Metro Nashville Police Department responded to a 911 call made by Monica Brown. Ms. Brown told the 911 operator that her boyfriend, Mr. Newson, had assaulted her and that he "had a gun on his person."

Officer Preston Hice arrived on the scene and observed Mr. Newson carrying a small safe. Mr. Newson placed the safe on his car. Officer Hice attempted to arrest Mr. Newson, and Mr. Newson allegedly pushed Officer Hice and fled. While being chased, Mr. Newson allegedly threw a baggie of crack cocaine on the ground. Officers caught and tackled Mr. Newson and arrested him. They found a baggie with a green, leafy substance in his pocket.

Officer Hawk verbally advised Mr. Newson of his *Miranda* rights. Mr. Newson stated to Officer Hawk that he did not wish to answer any questions.